

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

EIGHTY-NINTH LEGISLATIVE DAY
FRIDAY, APRIL 10, 2009

House of Representatives

The House convened at 9 a.m., the Speaker in the Chair.

Roll call showed 61 members present.

Absent and excused – Jarvis, Lake, Loertscher, McGeachin, Nonini, Schaefer, Shepherd(02), Simpson, Trail. Total – 9.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Taleesha Willie, Page.

Approval of Journal

April 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-eighth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

Consideration of Messages from the Governor and the Senate OFFICE OF THE GOVERNOR Boise

April 9, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

[H 14](#), as amended, as amended in the Senate, [H 46](#), as amended, [H 151](#), [H 159](#), as amended in the Senate, [H 163](#), [H 217](#), as amended in the Senate, [H 222](#), [H 212](#), and [H 168](#)

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

THE OFFICE OF THE GOVERNOR
Boise

April 9, 2009

The Honorable Lawrence Denney
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I am transmitting today to the Secretary of State the following House bill which will be allowed to become law without my signature within the time limited by law:

[H 147](#)

Idahoans deserve safe roads. I have worked tirelessly since becoming Governor to improve our state highway system and make our roads and bridges safe for everyone. While I believe House Bill 147 will help increase safety on our roads by adding regulations for commercial drivers, I lament the continued degradation of federalism in America today.

Ronald Reagan once said, "I believe in state's rights, I believe we have distorted the balance of our government today by giving powers that were never intended to be given in the Constitution to that Federal Establishment." To be clear, I do not oppose the changes suggested by House Bill 147, nor do I take issue with the Legislature's action. What I oppose is the manner in which the federal government has dictated these changes to Idaho and the Legislature.

I cannot help but believe that the vote on this legislation was partially the consequence of the federal government's threat to withhold millions of dollars for our roads every year unless Idaho conforms to federal mandates for commercial drivers.

In my opinion the merits of a bill - not blackmail, extortion, threats, fear or uncertainty - should be the driving force for enacting law. The federal government has forgotten this principle.

As Always - Idaho, "Esto Perpetua"
/s/ C.L. "Butch" Otter
Governor

April 9, 2009

Mr. Speaker:

I transmit herewith enrolled [S 1013](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1108](#), as amended, [S 1146](#), [S 1153](#), [S 1154](#), and [S 1158](#) for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled [S 1013](#), [S 1015](#), [S 1020](#), as amended, [S 1022](#), [S 1108](#), as amended, [S 1146](#), [S 1153](#), [S 1154](#), and [S 1158](#) and, when so signed, ordered them returned to the Senate.

April 9, 2009

Mr. Speaker:

I transmit herewith [S 1165](#), [S 1167](#), [S 1169](#), [S 1185](#), [S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1183](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), [S 1191](#), [S 1149](#), [S 1162](#), [S 1140](#), as amended, and [S 1175](#), as amended, which have passed the Senate.

WOOD, Secretary

[S 1165](#), [S 1167](#), [S 1169](#), [S 1185](#), [S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1183](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), [S 1191](#), [S 1149](#), [S 1162](#), [S 1140](#), as amended, and [S 1175](#), as amended, were filed for first reading.

Report of Standing Committees

April 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 308](#), [H 309](#), and [H 310](#).

CLARK, Chairman

[H 308](#), [H 309](#), and [H 310](#) were filed for second reading.

April 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 230](#), [H 242](#), [H 161](#), as amended, [H 97](#), as amended, [H 241](#), and [H 252](#).

CLARK, Chairman

The Speaker announced he was about to sign enrolled [H 230](#), [H 242](#), [H 161](#), as amended, [H 97](#), as amended, [H 241](#), and [H 252](#) and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 9, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [H 173](#) to the Governor at 11:50 a.m., as of this date, April 9, 2009.

CLARK, Chairman

April 9, 2009

Mr. Speaker:

We, your COMMITTEE ON EDUCATION, report that we have had under consideration [H 303](#) and recommend that it do pass.

NONINI, Chairman

[H 303](#) was filed for second reading.

April 9, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration [S 1148](#) and recommend that it do pass.

CLARK, Chairman

[S 1148](#) was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

[S 1165](#), by State Affairs Committee, was introduced, read the first time by title, and referred to the Education Committee.

[S 1167](#), [S 1169](#), [S 1185](#), and [S 1175](#), as amended, by State Affairs Committee, were introduced, read the first time by title, and referred to the Resources and Conservation Committee.

[S 1149](#) and [S 1162](#), by Judiciary and Rules Committee, were introduced, read the first time by title, and held at the Desk.

[S 1183](#), by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Transportation and Defense Committee.

[S 1140](#), as amended, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Revenue and Taxation Committee.

[S 1176](#), [S 1177](#), [S 1178](#), [S 1179](#), [S 1180](#), [S 1181](#), [S 1187](#), [S 1188](#), [S 1189](#), [S 1190](#), and [S 1191](#), by Finance Committee, were introduced, read the first time by title, and filed for second reading.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[H 299](#), [H 300](#), [H 301](#), and [H 302](#), by Appropriations Committee, were read the second time by title and filed for third reading.

[H 287](#), by Ways and Means Committee, was read the second time by title and filed for third reading.

[H 194](#), as amended in the Senate, by State Affairs Committee, was read the second time by title and filed for third reading.

[H 232](#), as amended in the Senate, by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mrs. Wood(35) asked unanimous consent that [S 1054](#) be returned to the Third Reading Calendar from General Orders. There being no objection, it was so ordered.

Mr. Moyle asked unanimous consent that [S 1186](#) be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

[S 1186](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall [S 1186](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Bayer, Bell, Bilbao, Black, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane,

Cronin, Durst, Eskridge, Gibbs, Henderson, Higgins, Jaquet, Killen, King, Kren, Labrador, Moyle, Pasley-Stuart, Patrick, Pence, Ringo, Ruchti, Rusche, Saylor, Shepherd(02), Smith(30), Stevenson, Takasugi, Trail, Wills. Total – 39.

NAYS – Andrus, Barrett, Bedke, Boyle, Clark, Hagedorn, Hart, Hartgen, Harwood, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Nielsen, Nonini, Palmer, Raybould, Roberts, Shepherd(08), Shirley, Simpson, Smith(24), Thayn, Thompson, Wood(27), Wood(35), Mr. Speaker. Total – 29.

Absent and excused – Jarvis, Schaefer. Total – 2.

Paired Votes:

AYE – Shepherd(02)	NAY – Simpson
AYE – Chavez	NAY – Lake
AYE – Trail	NAY – Loertscher
AYE – Anderson	NAY – Nonini
AYE – Bolz	NAY – McGeachin

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [S 1186](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1145](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Palmer to open debate.

The question being, "Shall [S 1145](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Higgins, Jaquet, Killen, King, Kren, Labrador, Luker, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 57.

NAYS – None.

Absent and excused – Anderson, Black, Durst, Henderson, Jarvis, Lake, Loertscher, McGeachin, Nonini, Schaefer, Shepherd(02), Simpson, Trail. Total – 13.

Total – 70.

Whereupon the Speaker declared that [S 1145](#) passed the House. Title was approved and the bill ordered returned to the Senate.

[S 1141](#), as amended, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wood(27) and Mr. Hagedorn to open debate.

The question being, "Shall [S 1141](#), as amended, as amended, pass?"

Roll call resulted as follows:

AYES – Anderson, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen,

Henderson, Higgins, Jaquet, Killen, King, Kren, Labrador, Lake, Luker, McGeachin, Moyle, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Ruchti, Rusche, Saylor, Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Wills, Wood(27), Mr. Speaker. Total – 49.

NAYS – Andrus, Barrett, Clark, Crane, Hart, Harwood, Loertscher, Marriott, Mathews, Nielsen, Roberts, Shepherd(08), Thayn, Thompson, Wood(35). Total – 15.

Absent and excused – Jarvis, Nonini, Schaefer, Shepherd(02), Simpson, Trail. Total – 6.

Paired Votes:

AYE – Black	NAY – Loertscher
AYE – Lake	NAY – Harwood
AYE – McGeachin	NAY – Shepherd(08)
AYE – Anderson	NAY – Clark

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [S 1141](#), as amended, as amended, passed the House. Title was approved and the bill ordered returned to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places until Monday, April 13, 2009. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 300](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 300](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Labrador, Luker, Marriott, Mathews, Moyle, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Boyle, Jarvis, Kren, Lake, Loertscher, McGeachin, Nielsen, Nonini, Pence, Schaefer, Shepherd(02), Simpson, Trail. Total – 15.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 300](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ringo to open debate.

The question being, "Shall [H 300](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hart, Hartgen, Henderson, Jaquet, Killen, King, Labrador, Luker, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 52.

NAYS – Durst, Hagedorn, Harwood, Higgins. Total – 4.

Absent and excused – Anderson, Black, Boyle, Jarvis, Kren, Lake, Loertscher, McGeachin, Nonini, Pence, Schaefer, Shepherd(02), Simpson, Trail. Total – 14.

Total – 70.

Whereupon the Speaker declared that [H 300](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 301](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 301](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Labrador, Luker, Marriott, Mathews, Moyle, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Boyle, Jarvis, Kren, Lake, Loertscher, McGeachin, Nielsen, Nonini, Pence, Schaefer, Shepherd(02), Simpson, Trail. Total – 15.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 301](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall [H 301](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hart, Hartgen,

Henderson, Jaquet, Killen, King, Kren, Labrador, Luker, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Sayler, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Mr. Speaker. Total – 52.

NAYS – Durst, Hagedorn, Harwood, Higgins. Total – 4.

Absent and excused – Anderson, Bedke, Black, Jarvis, Lake, Loertscher, McGeachin, Nonini, Rusche, Schaefer, Shepherd(02), Simpson, Trail, Wood(35). Total – 14.

Total – 70.

Whereupon the Speaker declared that [H 301](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle moved that all rules of the House interfering with the immediate consideration of [H 302](#) be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that [H 302](#) be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Mr. Rusche.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Killen, King, Labrador, Luker, Marriott, Mathews, Moyle, Palmer, Pasley-Stuart, Patrick, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Durst. Total – 1.

Absent and excused – Anderson, Black, Boyle, Jarvis, Kren, Lake, Loertscher, McGeachin, Nielsen, Nonini, Pence, Schaefer, Shepherd(02), Simpson, Trail. Total – 15.

Total – 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and [H 302](#) was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Patrick to open debate.

The question being, "Shall [H 302](#) pass?"

Roll call resulted as follows:

AYES – Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Eskridge, Gibbs, Hart, Hartgen, Henderson, Jaquet, Killen, King, Kren, Labrador, Marriott, Mathews, Moyle, Nielsen, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Shepherd(08), Shirley, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 54.

NAYS – Durst, Hagedorn, Harwood, Higgins, Luker. Total – 5.

Absent and excused – Anderson, Black, Jarvis, Lake, Loertscher, McGeachin, Nonini, Schaefer, Shepherd(02), Simpson, Trail. Total – 11.
Total – 70.

Whereupon the Speaker declared that [H 302](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 9:30 a.m., Monday, April 13, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:30 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk